

REMARKS

Applicant and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner. The Office is respectfully requested to reconsider the rejections presented in the outstanding Office Action in light of the following remarks.

Claim 9 was pending in the instant application at the time of the outstanding Office Action and has been rewritten. Dependent Claims 10-12 are newly presented and are directed towards further features of the present invention. Applicant intends no change in the scope of the claim by the changes made by these amendments. It should also be noted these amendments are not in acquiescence of the Office's position on allowability of the claims, but merely to expedite prosecution.

Claim 9 stands rejected under 35 USC § 102(b) as being anticipated by Hansen, it being asserted that "Hansen teaches an apparatus for carrying a spare tire comprising a tire support for mounting a spare tire including at least one lug (55) and material (56) extending past the lug which supports the tire in a manner to permit the tire to rotate and be aligned with the lug." Reconsideration and withdrawal of this rejection is respectfully requested.

As best understood, Hansen appears to be directed to an exteriorly mounted spare tire carrier (Col. 1, lines 8-9) having a rest which "provides means for supporting the spare tire while it is manually rotated for alignment with threaded studs." (Col. 5, lines 30-33) The rest in Hansen is an "arcuate rest". (Col. 5, line 15) As described in Hansen,

this an "arcuate rest" is a section of a cylinder" (Col. 5, lines 15-16). In mathematical parlance, based upon Figure 1, it appears the "arcuate rest" of Hansen is extent about 40°.

Using an "arcuate rest" in Hansen stands in stark contrast to the "tire spinner" of the present invention. As discussed in the specification, tire spinner 170 is particularly useful in mounting tire 220 to tire support 150, as it permits tire 220 to be supported while the rim of tire 220 is aligned with lug nuts 160. (Page 14, lines 6-7) In accordance with the present invention, tire 220 is spun around tire spinner 170 until the lug holes in the tire rim align with align with lugs 160. (Page 14, lines 14-15) In accordance with at least one presently preferred embodiment of the invention, tire spinner 170 extends far enough around in circumference to meaningfully connect with the interior opening in the rim of tire 220, which . (Page 15, lines 1-2)


Claim 9 has been rewritten to recite, *inter alia*, material extending past the lug which supports the tire in a manner to permit the tire to rotate and be aligned with the lug, wherein the material provides stable support throughout at least a major portion of the interior opening in the rim. (emphasis added) It is respectfully submitted that Hansen clearly falls short of present invention (as defined by Claim 9) in that, *inter alia*, it does not disclose material extending past the lug which supports the tire in a manner to permit the tire to rotate and be aligned with the lug, wherein the material provides stable support throughout at least a major portion of the interior opening in the rim. Accordingly, Applicant respectfully submits that the applied art does not anticipate the present invention because, at the very least, "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under construction." *W.L. Gore &*

Associates, Inc. v. Garlock, 721 F.2d 1540, 1554 (Fed. Cir. 1983); *see also In re Marshall*, 198 U.S.P.Q. 344, 346 (C.C.P.A. 1978).

In view of the foregoing, it is respectfully submitted that Claim 9 fully distinguishes over the applied art and is thus in condition for allowance. By virtue of dependence from Claim 9, it is thus also submitted that Claims 10-12 are also allowable at this juncture.

In summary, it is respectfully submitted that the instant application, including Claims 9-12, is presently in condition for allowance. Notice to the effect is hereby earnestly solicited. If there are any further issues in this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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